

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

GBEKE AWALA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 06-590-SLR
	)	
MARTIN P. DURKIN, et al.,	)	
	)	
Defendants.	)	

**ORDER**

WHEREAS, plaintiff filed a civil rights action pursuant to 42 U.S.C. § 1983 without prepayment of the filing fee;

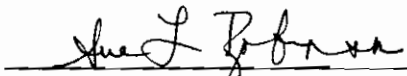
WHEREAS, on October 3, 2006, the court entered an order that plaintiff pay the \$350 filing fee within thirty (30) days from the date the order was sent or the case would be dismissed because plaintiff has three prior suits dismissed as frivolous or for failure to state a claim upon which relief may be granted, and the instant complaint does not allege an imminent threat of physical injury (D.I. 3);

WHEREAS, rather than pay the filing fee plaintiff filed a motion for reconsideration which was denied by the court on January 12, 2007, and at the same time plaintiff was given an additional thirty (30) days to pay the \$350.00 filing fee (D.I. 6);

WHEREAS, on January 29, 2007, plaintiff appealed the order denying the motion for reconsideration to the U. S. Court of Appeals for the Third Circuit and on March 20, 2007, the appeal was dismissed for failure to prosecute.

THEREFORE, at Wilmington this 18<sup>th</sup> day of March, 2007, IT IS HEREBY

ORDERED that plaintiff's complaint is DISMISSED WITHOUT PREJUDICE for failure to pay the \$350.00 filing fee as ordered by the court. The clerk of the court is directed to close the case.

  
UNITED STATES DISTRICT JUDGE